

Form to be used by a prisoner filing a complaint under THE CIVIL
RIGHT ACT, 42 U.S.C. § 1983

ORIGINAL UNITED STATES DISTRICT COURT
Eastern DISTRICT OF New York

Jose Ros 77321053
Full name of Plaintiff, Prisoner Number

CV 16 - 0726
Civil Action No.

Richard Mantellino
Jonathan David

KUNTZ, J.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

New York Police Dept.
Full Name of Defendant(s)

BLOOM, M.J.

★ FEB - 8 2016 ★

COMPLAINT

BROOKLYN OFFICE

I. Previous Lawsuits

A. Have you begun any other lawsuit while incarcerated or detained in any facility?
Yes ☒ No ☐

B. If your answer to the preceding question is yes, provide the following information.

1. State the court(s) where each lawsuit was filed (if federal, identify the district; if state court, identify the county or parish):

US Court House 300 Fannin St.
Shreveport, L.A. 71101

2. Name the parties to the previous lawsuit(s):

Plaintiffs: Jose Ros 77321053

Defendants: Mr. Washington (AFSA)

3. Docket number(s): Just filed

4. Date(s) on which each lawsuit was filed: in mail at the moment

5. Disposition and date thereof [For example, was the case dismissed and when? Was it appeals and by whom (plaintiff or defendant)? Is the case still pending?]:

still pending

- C. Have you any lawsuit or appeal in any federal district court, which has been dismissed?
Yes _____ No ☒

If your answer to the proceeding question is yes, state the court(s), which dismissed the case, the civil action number(s), and the reason for dismissal (e.g., frivolity, malice, failure to state a claim, defendants immune from relief sought, etc.).

II. A. *Name of the institution and address of current place of confinement:*

U.S.P. Polack PoBox 2099 polack LA 71467

- B. Is there any prison grievance procedure in this institution?
Yes ☒ No _____

1. Did you file an administrative grievance based upon the same facts, which form the basis of this lawsuit?

Yes _____ No ☒

If Yes, what is the administrative procedure number? _____

2. If you did not file an administrative grievance, explain why you have not done so.

this is against the new york police
Department

3. If you file an administrative grievance, answer the following question.
What specific steps of the prison procedure did you take and what was the result?
(For example, for state prisoners in the custody of the Department of Public Safety and Corrections: did you appeal any adverse decision through to step 3 of the administrative grievance procedure by appealing to the Secretary of the Louisiana Department of Public Safety and Corrections? For federal prisoners: did you appeal any adverse decision from the warden to the Regional Director of the Federal Bureau of Prisons, or did you make a claim under Federal Tort Claims Act?)
- _____

Attach a copy of each prison response and/or decision rendered in the administrative proceeding.

III. *Parties to Current Lawsuit:*

- A. Name of Plaintiff JOSE RIOS 77321053
 Address USP Pollock PO Box 2099 Pollock, LA 71467
- B. Defendant, Richard Mantellino, is employed as
Police officer at new York Police Dept.
- Defendant, Jonathan David, is employed as
Police officer at new York Police Dept.
- Additional defendants _____

IV. *Statement of Claim*

State the FACTS of your case. Specifically describe the involvement and actions of each named defendant. Include the names of all persons involved in the incident(s) or condition(s) given rise to the lawsuit, and the dates upon which and the places where the incident(s) and/or condition(s) occurred. YOU ARE REQUIRED TO SET FORTH ONLY FACTUAL ALLEGATIONS. YOU ARE NOT REQUIRED TO SET FORTH LEGAL THEORIES OR ARGUMENTS.

I have been to get a copy of a 911 recording from the NYPD for approximately 2 1/2 years but I keep being denied on the grounds that it puts a witnesses life in jeopardy. I have asked that the identifying matter be redacted, there has been no response to that request as of this date. I cannot file an Article 78 action, because the court either refuses to send the form or does not answer my request for them. The first request for the recording was on 7-23-13, the appeal on 8-28-13 then again on 8-18-15, and again on 11-24-15, no response

As of this Date.

V. *Relief*

State exactly what you want the court to provide to you. Make no legal arguments. Cite no cases or statutes.

order that the all recording be released to me,
compensate me in the sum of \$10 million Dollars,
and that I also receive punitive damages in the sum
of \$10 million Dollars.

VI. *Plaintiffs Declaration*

- A. I declare under penalty of perjury that all of the facts represented in this complaint and any attachments hereto is true and correct. (See 28 U.S.C. § 1746.)
- B. I understand that if I am transferred or released, I must apprise the Court of my address, and my failure to do so may result in this complaint being dismissed.
- C. I understand that I may not proceed without prepayment of costs if I have file three lawsuits and/or appeals that were dismissed on grounds that the action and/or appeal was frivolous or malicious, or failed to state a claim upon which relief may be granted, unless I am in imminent danger of serious physical injury.

Signed this 2nd day of February, 2016.

77321053

Prisoner No. (Louisiana Department of
Corrections or Federal Bureau of Prisons)

Joe Lee

Signature of Plaintiff